



Northern Ireland
Assembly

Committee for the Office of the First Minister
and deputy First Minister

OFFICIAL REPORT (Hansard)

Parades Commission

6 February 2013

NORTHERN IRELAND ASSEMBLY

Committee for the Office of the First Minister and deputy First Minister

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Members present for all or part of the proceedings:

Mr Chris Lyttle (Deputy Chairperson)
Mr Colum Eastwood
Ms Megan Fearon
Mr Paul Givan
Mrs Brenda Hale
Mr John McCallister
Ms Bronwyn McGahan
Mr Stephen Moutray
Mr George Robinson

Witnesses:

Mr Anthony Carleton	Parades Commission
Mrs Delia Close	Parades Commission
Mrs Frances Nolan	Parades Commission
Mr Peter Osborne	Parades Commission

The Deputy Chairperson: I welcome representatives of the Parades Commission. With us today are the chairperson of the Parades Commission, Mr Peter Osborne, Commissioner Frances Nolan, Commissioner Delia Close and Commission secretary, Anthony Carleton. Before you came in, I said to members that we are very grateful for the time that you have taken to present to us today. Our aim is to try to focus on the principles and processes that underpin the work of the Parades Commission as opposed to any specific parades or decisions. It is a timely opportunity, and, hopefully, it will be a constructive opportunity for you to communicate with us. Today's session is in public and will be on record, so I think that it presents an opportunity for some clarification and communication of the role of the Parades Commission.

I would be particularly grateful if you would clarify the work of the Parades Commission, what it can and cannot do when parades are not notified to the authorities, how you communicate with the PSNI on the work that you do and how we can strike the right balance between protecting the rights of peaceful assembly and protecting against intimidation. I would also be interested to hear what plans you have in place, if any, to improve communication with the public about the criteria that you work against and the substance of the decisions that you may have to make in the coming weeks and months. I look forward to hearing from you.

Mr Peter Osborne (Parades Commission): Deputy Chairman, thanks very much indeed. On behalf of everyone in the commission, I want to thank you, the Chairman and members of the Committee for

providing us with the opportunity to be here this afternoon. I am grateful and hope that it will be only the first of our meetings with the Committee, others in the Assembly or the various political parties. Before I make some introductory comments, I will ask my colleagues to briefly introduce themselves.

Mrs Frances Nolan (Parades Commission): Ladies and gentlemen, I am a native of the Clogher Valley. I was brought up just outside Clogher in the rural patch close to the border with Southern Ireland. For all my working life, I worked in the PSNI and ended up as the district commander in Dungannon and south Tyrone. For that reason, I have a fair knowledge of parades of every ilk, the problems with parades or protests and the conflict surrounding both. I am happy to answer any questions.

Mrs Delia Close (Parades Commission): Good afternoon, everyone. Thank you for seeing us. I am a retired teacher and was brought up during pre-Troubles times in Derry. I do not know whether it is a coincidence or not, but I married in 1969, and, for those of you who are too young to remember, that is when the Troubles started. I do not know whether there is a connection. I have lived in Ballymena ever since, and, for the past 20 years or so, I have been involved in parading and community issues in Ballymena, which I feel equips me quite well for the job. Thank you.

Mr Osborne: For the benefit of the Committee, Anthony Carleton is head of the commission secretariat.

Chairman and members, again, I thank you for the opportunity to address you, but more importantly to answer any questions that you want to put to the commission. As members will be aware, the commission is not currently accountable to the Committee or the Assembly. Parading is not yet a devolved matter. We regard this sort of meeting as really important in helping to continue to normalise the discussion on parading in Northern Ireland. We are very keen to do that. Over the past number of years, we have been making effort to have increasingly significant engagement, not just with Committees like this but with all the political parties and other civic leaders. We are very much committed to continuing to do that, and, as I said at the start, if members have any thoughts on how we can engage even further with their political parties, other elected representatives or other organisations, we are very keen to do that. It is important that civic society backs the body that is lawfully in place to manage parades, including those that are sensitive. Therefore, it is equally important that the commission has that sort of engagement with civic society generally.

We assume that everybody around the table probably wants to end up in the same place as far as parades are concerned: where they take place without contention and respect the traditions and culture of everybody in the community and the rights of all communities. We would certainly welcome that if it meant the commission not having to become involved or issue determinations on various parades. I assume that everyone around the table feels the same. I suppose the question that we need to discuss is how we get to that place in Northern Ireland generally and with the various sensitive parades.

That said, since the commission was established 15 years ago, the parading environment has significantly improved. Last year, for the first time, the number of sensitive parades dropped below 200. At present, I think that the number is probably just above 200, taking into account the various other events that have happened over the past year or two. The 200 parades include about 50 that happen every week around Drumcree. So the actual number of sensitive parades is about 150, but rises to just over 200 when you take account of the additional 50 or so in the total. Just under 4% of parades are deemed sensitive, and just under 3% merit some intervention from the commission through some sort of restriction, which does not always mean a route restriction. When you look at that in a positive way, 97% or so of parades in Northern Ireland happen without sensitivity, contention or a restriction being imposed by the Parades Commission. I think that we should try to focus on that very positive message, although we need to continue to work in those areas where sensitivities still occur.

It may be useful to touch on one or two process issues, and we are certainly very happy to talk to members about those if there are any further questions. We are often asked how we determine whether a parade is sensitive. Generally, that is determined initially by the PSNI, which has local knowledge. The commission has the ability to deem a parade sensitive, and sometimes that happens. However, it is rare that we do so and, generally, it is done through the PSNI. People often ask us why we do not ban parades. The commission can impose restrictions on a parade, but it does not have the ability to ban it. Deputy Chairperson, you touched on non-notification under section 6 of the Act. If

there is no notification of a parade, the commission does not get involved, and that is a matter for the PSNI. We may touch on that again as we go through the session.

At present, the commission is involved, one way and another, in trying to facilitate dialogue and progress in at least nine different areas in Northern Ireland — in some of the areas where there are sensitive or contentious parades. There are many examples, which we cannot really talk about, for obvious reasons, where substantial progress has been made, and there are some common factors when that happens. Obviously, people need to be motivated to make progress and enter dialogue to see whether they can work through the issues and be open to the sort of compromises that may be necessary. Where it happens, there tend to be good relationships and trust between the people involved. Sometimes, that can take some time to build up. Where it happens, we also see very good leadership being shown at a local level by political representatives, other elected representatives, clergy, businesspeople and, of course, parade organisers and residents' representatives.

There are many examples that we can point to where that is being worked through or has worked. It is important to say that in the sense of recognising the good work being done by all the different parties, representatives and groupings. We are very appreciative of that, and we tell people so directly when we are able to have a dialogue with them. It is also important to recognise their good work because, where those sensitivities and contentious parades still exist, that combination of factors — the need for dialogue, the motivation, the relationships, trust and the leadership of local people — is really important in making progress. Although parading in Northern Ireland is at a very different place now compared with 15 years ago, there are clearly areas where substantial progress is still needed.

The commission will continue to arbitrate on parades where it needs to do so. I think that probably everybody around the table acknowledges the need for a body to do that. The commission, as Delia and Frances have demonstrated, is a body made up of people drawn from a cross section of civic society in Northern Ireland. We do our best, under extremely difficult circumstances — sometimes, the decisions that we have to take put us in a no-win situation — to work our way through the very complex issues and take the decisions that we need to take. We will continue to do that and, as we have done so far, to take fair and balanced decisions in the determinations that we issue. However, of course, the ideal for all of us around the table would be when the commission does not need to do that — when agreement is reached and issues are resolved at a local level. The greatest contribution that can be made — there is an onus on civic leaders at that level — is for civic leaders to take ownership of and responsibility for those issues and recognise the need for dialogue in the local areas to work through the problems.

Part of the commission's role is to help to facilitate that mediation and any dialogue or consultation undertaken. We will continue to facilitate and help with that. Certainly, if any of the representatives around the table are looking to get involved, or are involved, in their areas in trying to mediate their way through the sensitivities and contentious issues, the commission will do whatever it can to help them because, as we all know, it is really important work.

Deputy Chairman, I know that you were thinking of a presentation of five minutes or so, and we have probably taken up the five minutes. There may be many issues that members want to raise with us. We are very happy to take questions, and we will answer them as best we can.

The Deputy Chairperson: Perhaps we will bring some questions in now, then.

Mr Eastwood: First, I want to put on record my thanks and support for the work that you do. I know that it is not easy, and we do not always agree with all of your determinations, but it is essential that we have an independent body doing that kind of work. I say that given the work done in Derry in the past number of years, and in the past number of weeks, and the facilitation role that you were able to play there. That shows that, if people take a positive leadership role, good results can be facilitated and people can get what they want from it.

How many of the protests in the past number of months were notified? Is it possible to start to regularise them so that there is notification and proper legal, lawful protest?

Mr Osborne: I will start, and colleagues may want to add to my answers. I am sure that my colleagues will take other questions as well. First, thanks very much for your support. The work in Derry that you referenced is a good example of leadership being shown by parade organisers, residents, political representatives, the business community and Church leaders, who are very heavily involved. In the past two years, the commission has not been involved in the area and has not taken

decisions; issues have been resolved locally. It is an example of how, when local leaders get involved, develop trust and relationships and demonstrate leadership, they can have results that benefit everybody in the city. Hopefully, that will continue. The commission will continue to do whatever it can to help. It is a good reference, so thank you for that.

As members may know, the commission's responsibility is for parades and parades-related protest. The protests taking place around Northern Ireland are simply not within the bailiwick of the commission. People are entitled to protest. That is dealt with through the PSNI and the Public Order Act 1986. Protests are relevant to us only when they are related to a parade. That is the generality of the protests.

There have been a number of —

The Deputy Chairperson: Peter, will you clarify that a bit further? Do you think that the current protests are not connected to parades? I imagine that some would say that protests are happening soon after a parade. How do you differentiate?

Mr Osborne: A static protest does not come within the commission's purview. We deal with parades or parades-related protests.

I think that we have had 20 notifications of parades that related to the flags protest. We dealt with those 20 notifications as with any parade notification that we receive. The commission did not get involved in some of them in any way. Three or four had determinations that reminded people of the code of conduct. One event in east Belfast, which has gained a lot of media coverage, is not notified to the commission. Any non-notified parade comes under the Public Processions (Northern Ireland) Act 1998, whereby participants in it would be committing an offence. However, that is a matter for the PSNI because it is a non-notified parade and, therefore, an illegal or unlawful parade, if that is how it is defined. As you know, a judicial review is ongoing. For that reason, and because we do not want to get into specific areas at this stage, we would not particularly want to comment on that.

Mrs Close: Is it true to say, Peter, that the 20 that notified are not from Belfast?

Mr Osborne: Yes.

Mrs Nolan: Part of Colum's question was about whether we hope that parades will become regularised. I think that there is a role for everybody in that. There is a role for people of influence — people who are in positions like yours — to try to encourage others to submit notification. It is not solely our role or that of the police; there is a societal role. Everybody has a role to try to get people to behave in a regular manner.

Mr Eastwood: I know that you do not want to go into specifics, but you said that none of the notified parades was in Belfast. I am no expert on Belfast, but I would have thought that a number of parades in Belfast would have come under your remit. Is it the case that they were not notified?

Mr Osborne: I do not want to avoid the question —

Mr Eastwood: I apologise for being so specific, but it is very difficult.

Mr Osborne: — and we are certainly happy to go into the specific areas at other times. We have had many meetings with representatives from political parties and others about different areas. The ongoing judicial review process means that I want to be particularly cautious about it. Some may say that they are parades; others say that they are not. People's views on that may differ. There would certainly be that event, and it is not notified to us as a parade, which means that it is an issue for the PSNI to manage.

Mr Givan: Welcome to the Committee. Frances, I know Clogher Valley well. My family are all from the Killymoyle part of the world, so it is part of the country with which I am familiar, albeit that I have always been a townie brought up in Lisburn.

Mrs Nolan: I will not blame you for that.

Mr Givan: At weekends, I was able to get my exposure to the rural countryside.

It is useful that the Parades Commission is able to come to the Committee. Ultimately, this place needs to take responsibility for parades, and, with the greatest respect, you guys need to be put out of a job. I want to get to that point because the Parades Commission does not have my support or that of my party. The Parades Commission is not an organisation that commands any form of credibility whatsoever from the community that I represent. That said, my party very much supports the rule of law. There is a distinction between supporting your organisation and supporting the rule of law because your organisation does not have the support of my party. Indeed, the Secretary of State has failed, in my view, because I do not accept that the parading situation is improving. Certainly, last summer was not an improvement on previous years. My colleagues who represent constituencies where they must deal with this every day — thankfully, that does not include mine — do not regard things as having improved. They make it very clear that the Parades Commission is part of the problem, not the solution. So we want to get to the point at which the Parades Commission is put out of business. That would be in the interests of all of us in Northern Ireland.

How can you engage politicians when, for example, decisions are taken before talking to them? In my constituency — you specifically mentioned east Belfast, and the Chairman has not corrected anyone on that, and we now have the opportunity to do so —

The Deputy Chairperson: He has not mentioned the specifics of that case. An area was mentioned, but we are staying away from specifics today, and that is what we will continue to do. So you can put your question.

Mr Givan: Thank you. In my constituency, and this is probably a broader issue, an appeal was made against a determination and for representation to be made to your organisation. Councillors and MLAs went to that meeting, only to be informed by you that, "Yes, we will listen to you, but we have already taken our decision. We've already reviewed the decision, so what you will say is completely irrelevant". That was the contempt with which your organisation, and you, chairman, treated us when we had that meeting. So how can you expect politicians to engage with you when politicians are treated with contempt? How, Frances, can we encourage people to work with the Parades Commission when it treats politicians with utter contempt? When it comes to its credibility and legitimacy, the Parades Commission is holed below the waterline. It does not have credibility, so how are people meant to engage with you properly? That leaves us in the invidious position of having to say to people, "Ultimately, you can't break the law, but the law is being determined by an organisation that does not have any credibility". That leaves politicians in a very difficult position.

The Deputy Chairperson: Not everybody would agree with that, but I accept that it is Paul's opinion. Would you like to respond to that?

Mr Osborne: Yes. That is certainly not the impression that we get from talking to people across all of the political parties and from all communities in Northern Ireland. Quite frankly, the statistics that we see and some of the engagements that we have do not bear out that view either. I think that the work of the commission is increasingly appreciated across all political parties and all communities. The statistics and facts of what happens show an improving parading situation. Some difficult and complex issues are being managed and handled, and decisions are being taken by the commission in a fair and balanced way that helps the situation rather than anything else. However, the need to help those situations is a responsibility for all of us, not just members of the commission but other people, including elected representatives and other leaders, as I said. Paul, I do not recognise the meeting that you are talking about. If it is the meeting that I think that you are talking about, I will not go into a specific area, but, in a general sense, when elected representatives and others are invited to make representation, it is important that they do so and that when they do not, the commission continues with its business. The commission can then review a decision, and we hold meetings with anybody who wants to meet us. It is up to elected representatives and others to put their spoke in and come to meet us. I have no memory of anybody being told that decisions had already been taken. It is important that elected representatives come along when they are asked to rather than ignoring the commission and not putting their case forward.

There are certainly some areas in which, in recent months, we have been criticised for decisions that we have taken. In those cases, if we had taken a decision one way, we would be criticised by some, and if we had taken a different decision, we would have been criticised by others. Last year, one area was highly contentious, and the commission issued a determination that was criticised by people on both sides of the community. However, I suspect that, ultimately, that was such a fair and balanced decision that it became the framework around which agreement was reached and dialogue took place

between the parading organiser and local residents. That demonstrated the fairness and balance of the commission's decision. In taking that decision, the commission heard representation from all political parties and other community representatives, which is what we want to do. It is important that people get in at the start of the process, and if they cannot or do not do that, they should come in during it, which is what happened. So I do not recognise what you are saying, Paul.

That said, we have made significant efforts to engage with political parties and other civic representatives. We are doing that increasingly, and we are getting some very positive feedback. We have written many times to political parties, asking to brief their elected representatives and others, which I encourage political parties to do because I am not sure that any representative of a political party, given the previous proposals around parading, does not recognise the need for a body to take decisions on parading and facilitate mediation. When you look at proposals from 2010, or any other proposals, they still recommend that people be drawn from civic society to sit on a panel to take decisions on parades, within certain criteria. That is what the Parades Commission does to the best of its ability, and by and large it gets things right, given the difficult environment and complex issues within which it works. That would be made an awful lot easier if we had even more engagement from elected representatives, which is what we would like.

I suspect that, in elected representatives' heart of hearts — I have been told this directly by elected representatives across the political parties — they will recognise the difficulties we face, the fair and balanced decisions that we take and the need for a body such as ours to continue to do the work that we do.

Mr Givan: I do not accept any of those answers at all. That tells me the utter disconnect that you have from what people on the ground are saying about the Parades Commission. You indicate that the commission's membership is drawn from a cross-section of civic society, yet the conversations I have had with people in senior police ranks tell me that the commission has an anti-Protestant parading bias. What representation have you made to the Secretary of State, for example, to have a new board that is more representative of the community at large?

Mr Osborne: That is just not the case. The facts bear out that that is not true. I do not know what police officers you have been talking to, but I have certainly not had any representation from the police to that effect. When you consider who is on the commission, it is representative of civic society in Northern Ireland. It certainly is not what you are saying, Paul. Frankly, when you have a group of people who take on public service that they know is going to be incredibly difficult and complex, and their motivation is to try to get involved in the most challenging work to make a positive contribution to this society, it does not help when elected representatives make points such as that, which are completely at odds with the reason why people undertake this public service.

Mr Givan: What does not help is having a structure in place that has no democratic mandate whatsoever and does not command the support of a cross-section of democratic parties. It does not command the support of my party, which is the largest party in Northern Ireland, so there is a fundamental problem with the Parades Commission, how it is established and the way it is appointed, with no recourse to this place. As politicians, we need to change that, but if you do not recognise the fact that the membership of your body comprises people who do not have any democratic mandate whatsoever — I think you are a former Alliance councillor; you can correct me if I am wrong on that —

Mr Osborne: You have that right, yes.

Mr Givan: Yes, I thought that I had that one right. So you had a previous democratic mandate as an Alliance councillor, but there is no democratic legitimacy in the Parades Commission, and that is a fundamental flaw.

Mr Osborne: I know that Delia wants to come in briefly on that, but I will speak personally. The commission does not have a view on that, because it is a matter for parties here and for the Secretary of State. I think that it would be very useful if parading were devolved as a matter. I think that the sooner that happens, the better. I have gone public with that before. It is important that we normalise parading, and normalisation here also means being devolved. That is really important, and it should happen, but frankly, that is not an issue for me or for the commission. That is an issue for political parties here to get a handle on, agree on and then do something about it. I know that that was discussed two or three years ago and did not happen, but it is a matter for you.

I am not aware — I am not sure that anybody would suggest this, and I do not know whether Paul is suggesting it — of other jurisdictions where politicians actively take decisions on parades. I do not know whether Paul is suggesting that politicians here should take decisions on parades. I would say that, when there is contention in local areas, if politicians can get involved and do what is needed to reach some compromise to take the contention out of it, that is great. It is almost a failure of that happening locally when the Parades Commission has to make decisions on parades. That is a challenge to politicians, not to us. The proposal in 2010 was that decisions would not be taken by politicians but by a panel of civic people, drawn generally from civic society, doing their best under extremely difficult and complex circumstances to take decisions on parades. If you are suggesting that politicians should directly take that decision, that would be the first time I have heard that. I think that everybody is of a mind that the decisions should be taken by a panel. At the moment, it is done through Westminster and the Secretary of State because the proposals from the Assembly in 2010 did not work. That is a challenge for you. If that is what is agreed here, I will do my utmost to make it happen, because it would be positive progress if accountability and responsibility rested here, which is why we are keen to come up and have this sort of meeting with locally elected representatives as well.

Mrs Close: I will say something first before I go on to say what I intended to say. I have to confess that I was once a member of a political party — the Women's Coalition. I make absolutely no apology for that. I am quite proud of having been a member of the Women's Coalition. The point that I was going to make is that, when a parade is notified, it goes to the police and comes in to the commission. All those who may have an interest in that parade are notified by the commission and offered the opportunity either to come in and speak to us or, if they cannot do that, to write to us by e-mail or by letter, put their point of view forward, which will be considered when we are looking at that parade on a particular day.

If someone who feels strongly about a parade chooses not to come in and give us their evidence, we have a difficulty. I am afraid that that does happen, and I encourage anyone here and beyond, within your parties, who feels that they have something important to say about a parade to come in and talk to us before we make any determination.

Mrs Nolan: I will take off my Parades Commission hat and put on my voter's hat to make a point. If a problem was looming in my area, whether a parade or anything else, having gone out and elected people and put an X in the box beside somebody's name, I would expect them to represent me in relation to that problem and do so before any decision was made. That happens in Fermanagh and South Tyrone, where I live. Clearly, it does not happen anywhere else. There is little point in coming in and giving an opinion after we have made a determination that does not suit or is not liked. That information or representation — whatever it is called — should be given to us before an event.

May I say, Paul, that I take real offence at being told that I am anti-Protestant.

Mr Givan: I did not say that you —

Mrs Nolan: You said that the commission was anti-Protestant, and I am part of that corporate body.

Mr Givan: Yes.

Mrs Nolan: I was brought up in the strict —

The Deputy Chairperson: Just one second. You were given quite a wide berth to make a wide range of comments, Paul. I would like you to give Frances an opportunity to have the Floor, please.

Mr Givan: She needs to be correct with what she says, though.

The Deputy Chairperson: As I say, you had a long time to speak with a very wide berth. Frances, please continue.

Mrs Nolan: He made reference to the corporate body of which I am a member. I was brought up in a very strict unionist background, and my father was an Orangeman all his living days. I take real offence at being told that I am anti-Protestant.

What I do, however, is hear the points of view of others. I can stand in other people's shoes. I can say that there has not been one decision in the two years and two months in which I have been a

member of the Parades Commission that I have felt personally, given my background, has been anti-Protestant. The decisions have been pro the public and pro the public interest.

Mr Eastwood: I want to make an observation as a member of this Committee. We constantly write to OFMDFM looking for responses on issues, but we cannot get a response on very simple matters. We cannot get OFMDFM to agree the wording of a letter about something that is of no consequence. It would be very disconcerting to put parading in OFMDFM's hands. I mean no disrespect to the people who are involved, but if they cannot agree on minor issues, I do not know how they will be able to agree on major ones.

It is not fair to berate these people, who are giving of their time to publicly serve this place. If people want to get involved in dealing with parades issues, they should look at the example of some DUP MLAs and councillors in Derry, for example, who have been central to solving the issues in that area along with the rest of us. You would be far better spending your time doing that than berating these people.

Mr Moutray: You are welcome, folks. I welcome this opportunity to engage with the Parades Commission because I am a member of Craigavon Borough Council, which has been denied that opportunity as an elected forum. Peter, you will know that the council wrote to you last year, and although you offered to meet party group leaders, you refused to have dialogue with the whole membership of the council.

Upper Bann has the most long-standing parades difficulty that there is. Although you come here today and use all the buzzwords, such as "dialogue", "communication" and "engagement", we have not seen an initiative on the ground. Applications are made 52 weeks a year to walk the Garvaghy Road to try to bring a resolution to an issue, but the Parades Commission has done absolutely nothing over the past number of years. The Portadown Orange district has indicated its willingness to engage with the residents' coalition, but the Parades Commission has done nothing.

Delia spoke about talking to the Parades Commission before a parade. I wrote to the Parades Commission on 22 June 2012 about the Royal Black district chapter parade that takes place in Lurgan on 13 July. I got a response on 30 August. That is not acceptable. I say today that there is a disconnect between the Parades Commission and the unionist people, and if you want real communication, you need to get out and talk to the unionist people on the ground.

This Parades Commission is loathed more than any of its predecessors. You have a job of work to do. In my years as an elected representative, I have not found it a warm house for the unionist Protestant people.

Mr Osborne: I apologise to colleagues if I start again. I am sorry —

Mrs Close: We will chip in if we feel that it is necessary.

Mr Osborne: Please do. Again, Stephen, I do not recognise some of that. I do not recognise it because, in the huge amount of engagement that we are having with bands, parading organisers and different parading organisations within the unionist and loyalist community, we have some very positive meetings and good engagement.

Sometimes, we can have robust conversations, but that is quite healthy in some ways. In the Portadown situation, we have had those conversations with well over 100 people over the past couple of years, including many from the unionist community and all political parties, including your colleagues. We had an open meeting in Portadown as well as in other parts of Northern Ireland. All elected representatives were invited to attend that open meeting, and one of the councillors turned up. So we have gone out to engage with and talk to a huge number of people in Portadown as part of our duty, and have probably done so more than have various commissions in recent years. You will know that, although different opinions were expressed, the overwhelming response was that people wanted closure. Many said that there already was closure in the example that you gave. I do not want to get into the detail of that area either. I am happy to talk to you about it constructively, hopefully in a different way at a different time.

The situation with Craigavon Borough Council is, I think, a little bit different to what you said. The council wrote to us, probably around May of last year. It got an immediate response, which was that we wanted to have that conversation with it. Without going into the detail of all of that conversation,

we told them that we certainly did not rule out coming to a full meeting of council. However, we said that a serious engagement about what the council, the commission and others have done to help move that situation forward and achieve closure would be best not at a full council meeting but at a meeting of group leaders. At those meetings of group leaders, we could discuss when we would address a full council meeting. I think that that approach is perfectly logical and reasonable. If we want to have the sort of engagement at a meeting that I would want, and I assume that you and your colleagues would want, it needs to be done initially with a smaller group of people rather than at a full council meeting, with the press there and all the other things that go with a full council meeting, which you will appreciate, as will I, having previously been there for 12 years in a different area, as Paul said.

We want to continue to take that sort of engagement forward. The most recent communication that I had with the council was that our request to meet group leaders, and possibly the full council afterwards, is still there. We want to have it. We recognise that the council is important as a civic lead body in that area with a hugely important role, because, once elected representatives and local leaders of different types — Church, business or political — get genuinely involved, things can sometimes move forward. I think that that is a very different perspective to the one that you initially suggested. I hope that you appreciate that I say that in a constructive way, because we want to move this forward, if we can, to achieve closure, which we do not think has happened.

Mr Moutray: Yes. Initiatives been taken forward in other areas of Northern Ireland, including Lord Alderdice's [*Inaudible.*] There has been nothing at all in relation to Garvaghy Road, and it festers there, year in and year out, with 52 parades a year being stamped every week "refusal". However, your organisation takes no initiative to move things forward, and I know why. It is because the Garvaghy Road coalition will refuse to engage, and it has the upper hand. Is that right or not?

Mr Osborne: I am not sure what you are asking me.

Mr Moutray: Is it right that the coalition will not engage? The local Orange officers have come forward and said that, without preconditions, they will meet to sit down and try to sort out this issue, but the other side will not meet, and the Parades Commission is sitting back doing nothing about it.

Mr Osborne: I do not want to avoid that question. We have met before, and you have also met my two colleagues here, who have been doing a lot of work in Portadown. I do not want to get into the specific areas. We could go back into the history of the issue over the past 15 to 20 years, about which different people will have differing perspectives. That is why, to move the matter forward to closure, the conversation that we need to have is around a table with everybody represented on the council, which is why we wanted that sort of meeting rather than one with the full council. If you want to go into details, I am happy to do so, but I do not think that this is the time.

Mrs Nolan: As you may know, Stephen, the commission is split into teams to service various areas. Delia and I are the commissioners for that area. If you wish to meet us at a different forum, we will meet you. We have met many of your party colleagues, but we have not met you. Some of the most positive examples of parading have come from your area. In Lurgan, we have had some exceptionally positive examples of parading. If you want to meet the two of us to discuss the issue, we will do that.

Mr Moutray: Thank you.

Delia indicated her past political experience. How many members of your commission have had a past as DUP members? It is the largest party in Northern Ireland.

Mr Osborne: I have no knowledge of the political membership of any member of the commission. Delia talked about hers, which is fine. Mine is a matter of public record. Whether people have been members of any political party is not something that I am aware of. That is an issue for the recruitment process.

Mr Moutray: They represent civic society so you would expect a spread across civic society.

Mr Osborne: We certainly do. Given the broad representative nature of the commission across all civic society, coming to conclusions and agreed positions on some of the most difficult and contentious issues in Northern Ireland is a huge achievement for a body such as ours to start with. We do that with fair and balanced decisions. There is a good team in the commission. The political

opinions of the different members of the commission are not relevant to the work that we do, beyond the fact that the commission is drawn from civic society generally.

Mr Close: We did not just drop out of the sky one day two years ago. We applied to a public advertisement. We were interviewed, and we were selected. I will not mention figures, but a large number of people applied for the jobs. Knowing our commission well over the past two years, we are very representative of civic society.

I will not go into details, but Paul and others may be surprised if they were to know full details.

Mr Moutray: I think that we would be surprised, all right.

The Deputy Chairperson: Stephen, do you want to respond in any way to that offer to engage and meet, or are you happy to keep —

Mr Moutray: I will give it consideration. I have, over many years in relation to parades in Lurgan, met the Parades Commission and corresponded. As I indicated, the letter that I sent last year at the end of June about a parade in July was responded to on 30 August. That speaks volumes.

The Deputy Chairperson: I took on board your concern about engagement. I thought that, on that ground, you might want to respond to an offer of engagement.

Mr Moutray: Not publicly at this stage.

Mr Osborne: Many elected representatives in some of the most sensitive areas will have had communication from me just before Christmas looking to meet them as well.

Mr G Robinson: I thank the commission. Last year, I recollect that some of your rulings were around parades walking past churches and not playing music at certain churches. My two colleagues have talked about the whole situation with the Parades Commission from a unionist perspective. In my area, you are loathed because of some of the rulings last year. The Deputy Chair said that we were not to mention specifics, so I will not mention the town. I see that you try to discourage people from wearing paramilitary-style uniforms and so forth. Last year, there was a parade not too far from where I live at which quite a few people wore paramilitary-style uniforms and even had replica guns. That parade walked past a church. I mention that because one of your rulings last year for certain parts of Belfast was that the parades would be allowed but that no music was to be played. That did not happen in my area last year. Putting things into perspective, when the unionist community sees things like that happening, and yet, in other areas, things are allowed from a republican point of view, is it any wonder that unionists view your organisation with such disdain?

I want to make another point before —

Mrs Nolan: I will respond to that point, George, before you move on to another point. I know that we cannot go into specifics, but I have it in my head —

Mr G Robinson: We are not allowed to go into specifics, but I am sure that you possibly know of it.

Mrs Nolan: The parade to which you refer had not been brought to our attention, so we did not make any determination on it. No one had said that it was sensitive until after the parade. I visited the area with a colleague, and we spoke to some very prominent Protestant people who said that they did not like it but would not make an issue of it.

Mr G Robinson: Probably out of fear. I am sure that that parade should have been deemed illegal.

Mr Osborne: I think that Frances meant that the commission was notified, but because the parade was not deemed sensitive, it did not consider it. It was administered as any non-sensitive parade would be administered.

Mrs Nolan: It was legal.

Mr G Robinson: I think that it is an annual event, so it will come up this year again. I hope that you will be a bit more proactive this time around.

Mrs Nolan: It is an annual event that, I am told, goes around Northern Ireland to various locations. I do not think that that particular parade will be in that particular location next year. That is my understanding from the local people to whom I spoke.

Mr G Robinson: If that is the case —

The Deputy Chairperson: George, Peter is keen to come in as well.

Mr Osborne: It is the same as any other parade, George. If you think that there are issues, and if you consult with local people, including people from one side of the community or another, and they tell you that there are issues in their areas, I ask you to bring them to our attention and come and see us about it.

It is a bit like going back to the previous example, where after the event is not the time to raise issues. They should be raised before the commission considers a parade of that nature. We will give you a warm and civil reception, as we do for anyone who comes to see us from whatever background. We will listen to your views, and they will genuinely be taken into account when we are considering an event, as we do in the case of many other parades, whether they be in your area in Coleraine, or in Limavady, Magherafelt or Dungiven, on 12 July or on other dates.

I do not know whether you want to comment on those Orange parades or other loyal order parades last year and whether you thought that the commission's decisions were right or wrong.

Mr G Robinson: I was at quite a few of those loyal order parades. In my area, 99% of the band parades passed off without any problems whatsoever. No one was walking around with replica guns, and so forth. No one was in paramilitary-style uniforms — that I could see.

Mr Osborne: I am not suggesting that there was, but the commission was involved in looking at some of those parades. I do not know what your views are about the commission's decisions in those areas, but we are not getting into the specifics, and perhaps that is a conversation that we can have outside.

Mr G Robinson: At the beginning, my two colleagues said how the Parades Commission is loathed. In my area, from my point of view, once you mention the Parades Commission, so many unionists just do not want to know.

Mr Osborne: I have to say genuinely that I just do not recognise that. We have many meetings in your constituency with loyal orders, unionist politicians and people from the unionist or Protestant community, as well as people from the Catholic or nationalist/republican community, and those meetings are very good. I certainly do not pick up on the word "loathing" or anything like that. There is increasing acknowledgement of the role that the commission is playing and of the fair and balanced way in which the commission does it business. We will continue to do that, and I think that the confidence in the commission in the whole community — unionist and nationalist — which has been increasing substantially over the past 15 years, will continue to increase.

From your perspective, however, if you genuinely believe that, it is about engaging with us and talking through some of the issues. I am quite happy to go to your constituency, or anywhere else, to talk to you and look at the commission's decisions on a lot of those parades. I do not know what your view on them is, because we do not hear views from people who think that it was a good decision with which they agree. They tend not to say anything about it. It is when people disagree with a decision that we hear about it. I think that that is a separate conversation to be had.

Mr G Robinson: I am an elected representative, so I am taking the views of people in my area, and probably those of quite a lot of the unionist people throughout Northern Ireland.

There is one other point that I want to raise. What exactly is the role of a steward at certain band parades? What is expected of them at band parades? According to your paper, you have had meetings with them from time to time.

Mr Osborne: I am not sure that we said we had meetings with stewards of parades. We certainly would, if that were asked of us. Stewards are appointed by the parade organiser, because, ultimately, the parade and the behaviour of the parade is the responsibility of the parade organiser, who is organising civic events. All of us around the table want those civic events to happen and to happen without contention and with very good behaviour. I am sure that parade organisers want that as well, so they appoint stewards appropriate to the size of the parade. Through the parade organiser, their role would be to ensure that the parade processes as it should, that the behaviour is as it should be, that any directions given by the police are followed and that, hopefully, the parade happens in a way that everybody can be happy with and everybody who wants to enjoy it can enjoy it. Their role is to help manage the parade on the day.

Ms McGahan: Thank you for your presentations. I want to make a quick comment on the back of what you were outlining. It is important that, in the present context, we are not bending to any threats of street violence. We need consistency in making determinations and taking breaches of those determinations into account.

Mr Osborne: The criteria that the commission applies include what impact a procession has on community relations and whether there will be disruption to the life of the community. The commission tries to make some judgement on that, looking at potential public order and damage to property from a parade and the traditionality of a parade. It also looks at — as the legislation directs us to — a failure to comply with the code of conduct or behavioural issues. Those are things that the commission will take into account in any decision that it takes for any sensitive parade.

The Deputy Chairperson: I will ask a final question, which builds on that question. It concerns public views raised with me recently on a general level. We have seen roads blocked and behaviour that appears to be against the criteria and the code of conduct that you mentioned. What is the commission's role in engaging with that type of behaviour outside of the notification process? What is your communication pathway with the PSNI, for example?

Mr Osborne: I will try to interpret the question as I think it should be interpreted, and if I have not got it right, Chair, you can come back at me. The static protests that are not parade-related are simply not part of the legislation within which we take decisions. We are involved with parades or parade-related protests, so other protests that might happen that are static are not a responsibility of the commission. I do not think we will comment on protests blocking roads, or not blocking roads, or whatever the situation is that you are thinking of, if I am interpreting your question right. It is just not part of our remit.

Our remit, as I said, covers parades or parade-related protests. As far as that is concerned, we have a very good relationship with the PSNI. I sometimes equate the role of the police to that which the commission plays. It is a necessary role, and one that is incredibly difficult. It is hugely challenging and gets to the heart of some of the issues in this community and how those issues manifest themselves. It is a role in which decisions that we take one week are very often challenged or criticised by one side of the community, and then decisions that we take the next week will be criticised by the other side of the community. Therefore, we are almost in the middle, trying to determine on issues for which, for the whole community, there is no right or wrong answer as such.

The police, in some ways, are in that situation in the middle. They are in an invidious position at times. We have good communication with them, but it is appropriate communication, too. On any decision we take on a parade, we will hear from the police, which will give us information that we ask of them that is relevant. However, they are always very clear that they are not giving us advice that may influence us unduly one way or the other. Therefore, the advice that the police give us is very professional and independent, and they then stand back. One of the things that we hear is that the police indicate to us the decision that they would like to see taken. That is absolutely not the case; the police absolutely do not do that with the commission. We get appropriate information from them on policing operations and are given different scenarios that are in place. The decision is ours and ours alone.

We will also have some meetings with the police to look back at the previous year and to look forward into 2013. Those meetings will look at parades and parades-related protests. They will not look at other protests.

Mr McCallister: Stop me if I repeat what has already been asked. Apologies for missing a large chunk of the conversation.

On the few occasions that we have met, Peter, you have talked about getting the percentage of contentious parades down to a certain level. The Orange Order and other loyal orders would say that they have probably made a bigger contribution than others to minimising problems in certain areas. I am conscious that last summer there was a lot of pressure and tension ramped up on the commission, and there was talk about whether the Parades Commission was the best method of dealing with the problems or whether we could find a different mechanism. The parading season starts in a few months on the back of a very divisive debate about flags over the past two months and the associated difficulties. Are you confident that you will be able to meet some of the challenges that are coming down the track?

The previous time that you were here, you said that 3-5% of parades are contentious, which includes repeat applications for a number of parades, such as the one at Drumcree. Do you see the figures starting to go the other way? Without being too pessimistic.

Mr Osborne: My colleagues can add to what I say.

John, you are absolutely right. An aim that we have, as I said at the start, is to reduce the number of contentious parades and for there to be agreement where those parades exist. There is a huge onus on us all, and particularly on local leaders, to do what we can to take contention out of sensitive situations and to facilitate agreement. We will help local leaders, including political leaders, to do that in their local area as far as we can.

The number of sensitive parades is in the region of 200, or just above that. Therefore, we have probably seen a slight increase in the past 12 months, but I would not want to be held to that, because we do not have the statistics for 2012-13 yet, as we are obviously not at the end of that year.

The current context does not help as we start to get into the 2013 parading season. It has been a busy 12 months for us. We had not only the 2012 parading season but the Ulster covenant centenary. We should all be looking at the 100-year commemorations in a positive sense and trying our best to utilise those in a way that is to the advantage of everybody in the community. We have a lot to commemorate and a lot to celebrate on all sides over the next 10 years.

There were then issues in some locations that occupied a lot of our time. I would always be optimistic but realistic. That is how I have tried to approach this from the start. I am optimistic because I genuinely see a huge amount of fantastic leadership shown locally. There are people across all political parties and communities who are really committed and want to make a positive difference. You see that in different areas, as was alluded to.

Where that is applied, we get great results. Where you do not have it, the results are perhaps not so good. We could have a good, positive summer and parading context. I am optimistic in that sense but also realistic enough to know that other things and other contexts will make that very challenging. We all need to look at the potential negativity and consequences of that and do what we can — all of us — to make sure that we do not go down a route that is not terribly positive for the future and instead go down the more optimistic route, if that is not too much of a cliché.

Therefore, optimistic but realistic, and it is up to us all. I include especially local elected representatives and other civic leaders doing their best to move us forward in local areas.

Mrs Close: Like Peter, I am an optimist, and I always have been. Although some may say that the situation could be better, I come back to something that Peter said. He asked what is really required to sort out the parading situation in Northern Ireland for ever. This may be a bit simplistic, but it is also simple: at the heart of it lies local agreement, and at the heart of local agreement are two sets of people showing respect for and understanding of each other.

If people get around a table with a cup of coffee or whatever and start discussing things, each coming at it with a view to getting it sorted instead of shouting at each other, and respect is shown to both sides, I think that we could move on. However, we will not move on without that respect.

Mr Lyttle: In areas where that type of engagement has succeeded, are efforts being made to share that good practice or mediation and to disseminate it to other areas? How do you go about trying to do that?

Mrs Close: We are aware of some, but I do not think that this is quite the place to mention specific areas. However, there are definitely examples of very good practice that we would be prepared to talk about in another arena.

Mrs Nolan: Those engagements are quite confidential and the participants do not want them shared with anyone else. Northern Ireland being Northern Ireland, it is quiet conversations that get there.

Mr Lyttle: I understand. Without going into the detail, though, efforts are being made to share that type of good practice in other areas.

Mr Osborne: Let me say something reasonably blunt: I think that if we went around this table to all the elected representatives, each would know where there are sensitivities and contention around parading in their own area. Could each person point to their own area and say, "Yes, there is here"? The answer is "Of course", because you are elected representatives, as you said George, and you know what is going on in your area.

Now, what do you do about that? I have sent e-mails and letters to elected representatives in a lot of those areas to ask whether we can come and talk to them about those areas. I have asked whether we can come and talk and share our experience of how the situation could be moved forward? Ultimately, if it is going to be moved forward, it will be done locally, not by people coming from outside and saying, "Here's what you do, folks." It will be done locally.

Where it happens and works — Derry is one example that you can talk about, but there are many others — it is local leaders doing that work. I do not get as many replies to our offer as I would like. However, every elected representative knows where the contention exists in his or her area. If you fast-forward to the summer of 2013, where we may have difficulties, you know exactly where those may be, and everybody around this table in their own area knows exactly where those may be.

Whose responsibility is it from now until then to try to work that out, and who is doing what to do that? We are doing what we can. Will we share good practice? Absolutely. Will we facilitate mediation? Absolutely. Will we get people together? Absolutely. Will we listen to people? Absolutely. Do we want people to tell us what we can do? We do. However, everybody has to look in the mirror in six months' time and be able to say, "I did my best." None of us on this side of the table will look in the mirror and say that we could have done more. However, that is a question that all individuals have to ask themselves.

Mr Eastwood: Apologies for coming back in, but I want the answer to one question. You gave us the figure for the contentious parades. Do you have the figure for the number of loyal order parades that there were in Northern Ireland last year?

Mr Osborne: In 2011, there were around 4,000 parades, 66% of which were loyal order or unionist-style parades. Twelve per cent were charity parades, 8% were civic parades of some sort, 6% were other parades and 3% were nationalist or republican parades. Those are the percentages. It gives you a proportion of around 4,000.

Mr Eastwood: Thank you. That is useful to hear.

The Deputy Chairperson: Do members have any other questions?

I started today by thanking you for coming here. You are not responsible to the Committee. I recognise the efforts that are being made to engage with elected representatives on what is one of the most difficult and sensitive issues that we face in Northern Ireland. We are in the context of a particularly volatile situation in recent weeks and months. I gave Committee members extremely wide berths to engage today, because these are issues on which I want open and frank engagement. However, members should reflect on some comments that were made. We have to uphold the primacy of the rule of law in Northern Ireland, but some members set about questioning the credibility of an organisation that has roles and responsibilities given to it in law. People should reflect on that. Some members questioned people's personal backgrounds. Given that the backgrounds of other people who are appointed to other bodies by OFMDFM seem to be of less concern to those members who raised that issue today, that is somewhat disingenuous and contradictory. People should reflect on their comments.

As I am chairing the Committee today, I thank you on behalf of the Committee for the engagement that you have given us and for the challenge that you presented to elected representatives to meet that offer of engagement in those areas in which there are sensitivities and to work towards coming up with alternatives to a process that should be expedited if the feelings are so strongly against it. I recall that, during questions to the First Minister and the deputy First Minister, it was said that there are proposals on a shelf. If this is such an urgent issue, perhaps we need to see those taken off that shelf with more speed than is the case at the moment.

I hope that this is an ongoing conversation. I hope that the offers of engagement that you made to people are responded to. I hope that we take up the challenge and the responsibility that you have given to us today so that, in six months' time, we can look on a better process than that which we have seen in recent times. Thank you for being here today. Hopefully, we can have an ongoing open dialogue.

Mr Osborne: On behalf of us all, I thank you and members for the questions and conversation. It is important that we have it. If you are asking whether we can have further meetings like this, the answer from our end is yes, absolutely. We are genuine about engaging with elected members in their local area to talk about specific issues as well, because that is the way forward. When we do that, as we do with all communities and all political parties, we generally have a very positive reception. People acknowledge the difficulty of the work and the fairness in how the commission does its business. Sometimes, at a public level, it is not possible to acknowledge it.

The Deputy Chairperson: Thank you.